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LEAPFROG ENTERPRISES, INC., JOHN BARBOUR, and
8 RAYMOND L. ARTHUR

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 IN RE LEAPFROG ENTERPRISES, INC.
15 SECURITIES LITIGATION

Case No. 3:15-CV-00347-EMC

CLASS ACTION

16 This Document Relates To:
17
18 ALL ACTIONS

**REVISED STIPULATION AND
[PROPOSED] ORDER
VACATING SCHEDULE**

1 Pursuant to Civil Local Rules 6-2 and 7-12, the parties – lead plaintiff KBC Asset
2 Management NV (“Lead Plaintiff”) and defendants LeapFrog Enterprises, Inc., John Barbour,
3 and Raymond L. Arthur (“Defendants”) – by and through their undersigned counsel of record,
4 submit the following stipulation and proposed order to vacate all deadlines related to class
5 certification in light of an agreement-in-principle to settle all claims in this action pending
6 negotiation and drafting of documents memorializing the settlement. This Stipulation is based
7 on good cause, as demonstrated below.

8 **RECITALS**

9 A. On August 30, 2017, the parties participated in a private mediation session before
10 the Honorable Judge James Ware (Ret.) of JAMS, but were unable to reach a negotiated
11 resolution of the action.

12 B. On September 28, 2017, following the most recent case management conference in
13 this action, the Court encouraged the parties to renew efforts to mediate with Judge Ware.
14 (Dkt. No. 153.)

15 C. On October 4, 2017, the Court entered a Case Management and Pretrial Order for Jury
16 Trial setting forth various pretrial deadlines and a trial date of June 10, 2019. (Dkt. No. 154.)

17 D. Following the September 28, 2017 Case Management Conference, the parties have
18 litigated the case pursuant to the parameters set by the Court. (See Dkt. No. 153.)

19 E. On November 7, 2017, Plaintiff filed its motion for class certification.
20 Defendants’ opposition is presently due December 21, 2017; Plaintiff’s reply brief is due
21 February 7, 2018; and the class certification hearing is presently scheduled for March 1, 2018 at
22 1:30 p.m.. (Dkt. No. 139.)

23 F. On November 29, 2017, the parties participated in a second mediation session
24 before Judge Ware to explore a non-litigated resolution of this matter. Following extensive
25 negotiations, the parties reached an agreement-in-principle to resolve all of the claims in this
26 action, and desire additional time to conclude and document their efforts.

27 G. On December 5, 2017, the parties filed a stipulation requesting that the Court
28 vacate all pre-trial deadlines in the case while the parties negotiate and prepare the settlement

1 papers. (Dkt. No. 161.)

2 H. On December 11, 2017, the Court requested that the parties revise their proposed
3 stipulation.

4 I. To conserve party and judicial resources, and in light of the Court's request, the
5 parties agree that it would be most efficient and economical to vacate just those deadlines related
6 to class certification while the parties negotiate and prepare the settlement papers.

7 J. In compliance with Civil Local Rule 6-2(a)(2), the parties disclose that the Court
8 has previously granted the parties' stipulated requests to continue the scheduled Initial Case
9 Management Conference so that it was held at the same time as hearings on Defendants' motions to
10 dismiss or to accommodate counsel's schedule (Dkt. Nos. 49, 69, 96, 99, 108, 130, 144) and has
11 extended the class certification deadlines in this action (Dkt. No. 139).

12 **STIPULATION**

13 NOW, THEREFORE, the undersigned parties stipulate, subject to the Court's approval, as
14 follows:

15 1. The Court's scheduling order entered on August 22, 2017 regarding class
16 certification (Dkt. No. 139) is hereby vacated pending further order by the Court.

17 2. The parties will notify the Court of the status of the settlement documentation
18 efforts by December 21, 2017.

19
20 DATED: December 12, 2017

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Co-Lead Counsel for Plaintiffs

DATED: December 12, 2017

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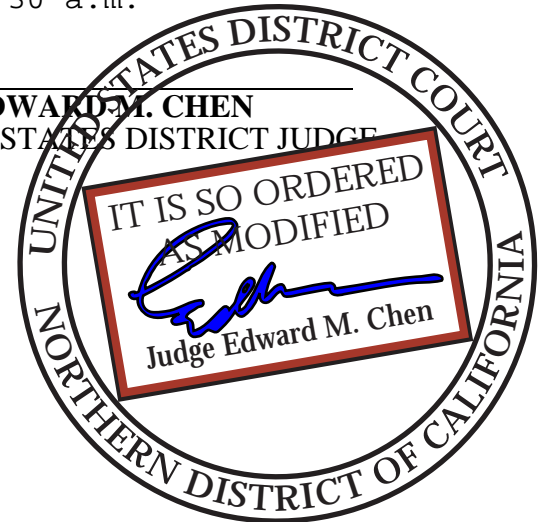
Counsel for Defendants

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The status conference is reset from 3/1/18 to 2/1/18 at 10:30 a.m.

DATED: 12/13/17

HON. EDWARD M. CHEN
UNITED STATES DISTRICT JUDGE



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/s/ Mark R.S. Foster

 MARK R.S. FOSTER